

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JEFFREY M. NORMAN.

Plaintiff,

 $\mathbf{v}_i$ 

DAVID W. ELKIN, RICHARD M. SHORIN  
and THE ELKIN GROUP, INC.

Defendants,

and

US MOBILCOMM, INC.,

### Nominal Defendant.

C.A. No. 06-005-JJF

## Jury Trial Demanded

**DECLARATION OF DAVID A. FELICE, ESQUIRE**

I, David A. Felice, hereby state in accordance with the provisions of Title 28, section 1746 of the United States Code as follows:

1. I am over eighteen (18) years of age and competent to testify regarding the facts stated herein.

2. I am an associate with the law firm Cozen O'Connor and I have personally participated in the preparation and litigation of the stockholder dispute between Jeffrey M. Norman and David W. Elkin since 2004.

3. Norman and Elkin agreed to fund US Mobilcomm, Inc. (“USM”) with a total contribution of \$1 Million. Further, Elkin and Norman agreed that Elkin would invest \$750,000 in USM and that Norman would invest \$250,000. (Ans. ¶ 127; Elkin’s Admission to Request for Admission No. 11).

4. Attached as Exhibit A hereto is Norman's confirmation of wire transfer instructions to transfer \$196,000 into USM's account. The wire transfer instructions indicate


that Norman previously paid \$4,000 on behalf of USM to a Federal Communications Commission license holder, Jean Warren. Moreover, the wire transfer instructions indicate that Norman already paid an estimated \$50,000 in USM's expenses by that point in time.

5. Attached as Exhibit B is the Declaration of William A. Dylewsky. Mr. Dylewsky is a Certified Public Account who, in 1997, was asked by Norman to quantify his payment of expenses on behalf of USM. Mr. Dylewsky's analysis identified that Norman paid expenses on behalf of USM in the amount of \$104,260 from 1993 through July 1996.

6. Attached as Exhibit C is an Action by Written Consent of the Board of Directors for USM dated December 27, 2004. Through this Written Consent, Elkin, as the sole director of USM, issued Norman 125 USM shares, or a 25% interest in the Company (as Elkin already possessed 100 USM shares prior to this date).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 1<sup>st</sup> day of October, 2007.

  
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David A. Felice (#4090)